

108TH CONGRESS  
1ST SESSION

# S. 549

To amend the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42) to provide compensation for victims killed in the bombing of the World Trade Center in 1993, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 6, 2003

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42) to provide compensation for victims killed in the bombing of the World Trade Center in 1993, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “World Trade Center  
5       Bombing Victims Compensation Act of 2003”.

1 **SEC. 2. REFERENCES.**

2 Except as otherwise expressly provided, wherever in  
 3 this Act an amendment or repeal is expressed in terms  
 4 of an amendment to, or repeal of, a section or other provi-  
 5 sion, the reference shall be considered a reference to the  
 6 September 11th Victim Compensation Fund of 2001 (49  
 7 U.S.C. 40101 note; Public Law 107–42).

8 **SEC. 3. COMPENSATION FOR VICTIMS OF TERRORIST ACTS.**

9 (a) DEFINITIONS.—Section 402(6) is amended by in-  
 10 serting “or related to the bombing of the World Trade  
 11 Center in 1993” before the period.

12 (b) PURPOSE.—Section 403 is amended by inserting  
 13 “or as a result of the bombing of the World Trade Center  
 14 in 1993” before the period.

15 (c) DETERMINATION OF ELIGIBILITY FOR COM-  
 16 PENSATION.—

17 (1) CLAIM FORM CONTENTS.—Section  
 18 405(a)(2)(B) is amended—

19 (A) in clause (i), by inserting “or as a re-  
 20 sult of the bombing of the World Trade Center  
 21 in 1993” before the semicolon;

22 (B) in clause (ii), by inserting “or bomb-  
 23 ing” before the semicolon; and

24 (C) in clause (iii), by inserting “or bomb-  
 25 ing” before the period.

1           (2) LIMITATION.—Section 405(a) is amended  
2       by striking paragraph (3) and inserting the fol-  
3       lowing:

4           “(3) LIMITATION.—

5               “(A) IN GENERAL.—No claim may be filed  
6       under paragraph (1) after the date that is 2  
7       years after the date on which regulations are  
8       promulgated under section 407.

9               “(B) WORD TRADE CENTER BOMBING  
10       CLAIMS.—Notwithstanding subparagraph (A), a  
11       claim may be filed under paragraph (1) relating  
12       to the bombing of the World Trade Center in  
13       1993 not later than 1 year after the date of en-  
14       actment of the World Trade Center Bombing  
15       Victims Compensation Act of 2003.”.

16           (3) COLLATERAL COMPENSATION.—Section  
17       405(b)(6) is amended by inserting “or as a result of  
18       the bombing of the World Trade Center in 1993”  
19       before the period.

20           (4) ELIGIBILITY.—

21               (A) INDIVIDUALS.—Section 405(c)(2)(A) is  
22       amended—

23                   (i) in clause (i), by inserting “or was  
24       present at the World Trade Center in 1993

at the time of the bombing of the World Trade Center” before the semicolon; and

(ii) by striking clause (ii) and inserting the following:

“(ii) suffered physical harm or death as a result of such an air crash or suffered death as a result of such bombing;”.

(B) REQUIREMENTS.—Section 405(c)(3) is amended—

(i) in the heading for subparagraph (B) by inserting “RELATING TO SEPTEMBER 11TH TERRORIST ACTS” before the period; and

(ii) by adding at the end the following:

“(C) LIMITATION ON CIVIL ACTION RELATING TO THE BOMBING OF THE WORLD TRADE CENTER IN 1993.—

“(i) IN GENERAL.—Upon the submission of a claim under this title, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the bombing of the World Trade Center in 1993. The preceding sen-

tence does not apply to a civil action to recover any collateral source obligation based on contract, or to a civil action against any person who is a knowing participant in any conspiracy to commit any terrorist act.

“(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 4 of the World Trade Center Bombing Victims Compensation Act of 2003.

“(D) INDIVIDUALS WITH PRIOR COMPENSATION.—

“(i) IN GENERAL.—Subject to clause (ii), an individual is not an eligible individual for purposes of this subsection if that individual, or the estate of that individual, has received any compensation from a civil action or settlement based on tort related to the bombing of the World Trade Center in 1993.

1                   “(ii) EXCEPTION.—Clause (i) shall  
 2                   not apply to compensation received from a  
 3                   civil action against any person who is a  
 4                   knowing participant in any conspiracy to  
 5                   commit any terrorist act.”.

6                   (C) INELIGIBILITY OF PARTICIPANTS AND  
 7                   CONSPIRATORS.—Section 405(c) is amended by  
 8                   adding at the end the following:

9                   “(4) INELIGIBILITY OF PARTICIPANTS AND  
 10                  CONSPIRATORS.—An individual, or a representative  
 11                  of that individual, shall not be eligible to receive  
 12                  compensation under this title if that individual is  
 13                  identified by the Attorney General to have been a  
 14                  participant or conspirator in the bombing of the  
 15                  World Trade Center in 1993.”.

16 **SEC. 4. REGULATIONS.**

17                  Not later than 90 days after the date of enactment  
 18                  of this Act, the Attorney General, in consultation with the  
 19                  Special Master, shall promulgate regulations to carry out  
 20                  the amendments made by this Act, including regulations  
 21                  with respect to—

22                       (1) forms to be used in submitting claims under  
 23                       the amendments made by this Act;

24                       (2) the information to be included in such  
 25                       forms;

1           (3) procedures for hearing and the presentation  
2 of evidence;

3           (4) procedures to assist an individual in filing  
4 and pursuing claims under the amendments made by  
5 this Act; and

6           (5) other matters determined appropriate by  
7 the Attorney General.

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